

REMARKS

Claims 1-20 remain pending in the application with claims 1, 7, and 13 being independent. No claims have been amended, cancelled, or added as part of this response. Reconsideration is respectfully requested.

Claims 1, 5-7, 11-13, and 17-20 stand rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent Application Publication No. 2003/0228414 to Smith et al. Claims 2-4, 8-10, and 14-16 are rejected under 35 U.S.C. §103(a) as being unpatentable over Smith et al.

Accompanying this response is a Declaration under 37 C.F.R. §1.131 by inventor Thomas Van Steenkiste to antedate the filing date of Smith et al. The Declaration under 37 C.F.R. §1.131 filed with the current response demonstrates that U.S. Patent No. 6,808,817 to Morelli et al. was filed prior to the effective filing date of Smith et al. Further, it has already been demonstrated in a Declaration under 37 C.F.R. §1.132 filed on October 17, 2006 in response to an office action for the present application that portions of Morelli et al. are the work of Thomas Van Steenkiste, who is an inventor of the present application. Specifically, as stated in the Declaration under 37 C.F.R. §1.132, the portion of the specification of Morelli et al. from column 5, lines 8-23 were conceived by Thomas Van Steenkiste prior to March 15, 2002, which is the effective filing date of Morelli et al. Column 5, lines 8-23 of Morelli et al. clearly demonstrates that Thomas Van Steenkiste constructively reduced to practice the invention of the present application on the filing date of Morelli et al.

Therefore, Thomas Van Steenkiste conceived and reduced to practice the invention of the present application prior to the effective filing date of Smith et al. Having satisfied the requirements of MPEP 2136.05 and 37 C.F.R. §1.131, Smith et al. should be removed as a prior art reference. Accordingly, the rejections under 35 U.S.C. §102(e) and 35 U.S.C. §103(a) based on Smith et al. must be withdrawn.

Applicant believes the application is now in condition for allowance, which allowance is respectfully solicited. Applicant believes that no additional fees are required. However, if necessary, the Commissioner is authorized to charge Deposit Account No. 08-2789 in the name of Howard & Howard Attorneys, P.C. for any additional fees or to credit the account for any overpayment.

Respectfully submitted,

HOWARD & HOWARD ATTORNEYS, P.C.

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Date

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